

REMARKS

Claims 1-41 are now pending in the application. Claims 39-41 are new. Claims 1, 4-7, 9, 11, 14-17 and 21-32 are now amended. Support for the amendments and new claims can be found throughout the written description, claims, and drawings as originally filed. Therefore, no new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein and the Request for Continued Examination (RCE) filed herewith.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-9, 11-19 and 21-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Merchant et al. (U.S. Pat. No. 6,385,715). This rejection is respectfully traversed.

Claim 1 recites a method that includes issuing an instruction selected from a queue and enqueueing the instruction issued within a recirculation queue. The method also includes selectively setting a state of the instruction in the recirculation queue to one of a blocked state if completion of the instruction is prevented by a first detected blocking. The method also includes selectively setting a state of the instruction in the recirculation queue to an unblocked state if

completion of the instruction is prevented by a second detected. The first detected blocking condition corresponds to a first data hazard. The second detected blocking condition corresponds to a second data hazard.

The method also includes reissuing the instruction from the recirculation queue if a third detected blocking condition of at least one instruction within the recirculation queue, other than the instruction, is satisfied.

Amendments to claim 1 are fully supported by the Application as filed, and namely Paragraphs [00028] and [00032]-[00033]. Therefore, no new matter has been added.

A. Merchant does not show, teach, or suggest that a first detected blocking condition corresponds to a first data hazard and a second detected blocking condition corresponds to a second data hazard.

As best understood by Applicants, Merchant includes a loading controller that replays long latency instructions along with dependent instructions in a replay queue. The Examiner asserts that blocking states of both the long latency instructions and dependant instructions are based on "blocking conditions." Page 6 of the Office Action. The Examiner recognizes that "blocking conditions" for the dependant instructions correspond to their dependency on the long latency instructions. The dependant instructions are therefore not

blocked by detected blocking conditions that correspond to data hazards, as in claim 1.

In contrast, claim 1 has been amended to include first and second detected blocking conditions that correspond to first and second data hazards, respectively. Therefore, Merchant does not disclose all the elements of claim 1.

The Court of Appeals for the Federal Circuit has recently stated: "We thus hold that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. §102... [D]ifferences between the prior art reference and a claimed invention, however slight, invoke the question of obviousness, not anticipation." Net MoneyIN Inc. v. VeriSign Inc., 88 USPQ2d 1751, 1759-1760 (Fed. Cir. 2008). Claim 1 includes at least first and second detected blocking conditions that correspond to first and second data hazards, respectively. Merchant does not disclose these elements.

Therefore, claim 1 is allowable for at least these reasons.

B. Other Claims

Independent claims 11, 21, 26 and 31 are allowable for at least similar reasons as claim 1. Dependent claims 2-10, 12-20 and 27-36 ultimately depend from claims 1, 21 and 26 and are therefore allowable for at least similar reasons.

REJECTION UNDER 35 U.S.C. § 103

Claims 10 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merchant in view of Official Notice. This rejection is respectfully traversed.

Dependent claims 10 and 20 ultimately depend from independent claim 1 and are believed to be allowable for at least similar reasons.

Applicants' position with respect to claims 10 and 20 should not be understood as implying that no other reasons for the patentability of claims 10 and 20 exist. Applicants reserve the right to address these other reasons at a later date if needed.

NEW CLAIMS

Claims 39-41 are new and are fully supported by the Application as filed, and namely Paragraphs [00028] and [00032]-[00033]. Therefore, no new matter has been added.

Claims 39-41 ultimately depend from claim 1 and are allowable for at least similar reasons.

CONCLUSION


It is believed that all of the stated grounds of rejection have been properly addressed. For all of the reasons set forth above, Applicants submit that the application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. By addressing particular positions taken by the Examiner in the above remarks, Applicants do not acquiesce to other positions that have not been explicitly addressed. In addition, Applicants' arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

If the Examiner believes that personal communication will allow any outstanding issues to be resolved, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:


Michael D. Wiggins
Reg. No. 34,754

Justin H. Purcell
Reg. No. 53,493

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

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